

## BOX AFTER FINAL

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Niki Marina Eloshway )  
Group Art Unit: 3727 ) A PACKAGE INCLUDING A  
In re Application of: ) CONTAINER WITH A WIDE-MOUTH  
GARY L. MENGEU ) SPOUT AND ENCLOSURE SEALING  
Application Serial No. 09/930,079 ) THE SPOUT  
Filed August 15, 2001 ) Attorney Docket No. 035373-00104

RESPONSE TO OFFICE ACTION

June 3, 2003

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant responds as follows to the Office Action mailed on May 1, 2003.

Claims 1-13 are pending. Claims 1-4 and 10-13 have been rejected. Claims 5-9 have been objected to as being dependent upon the rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Claim 1

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Montgomery (U.S. 5,738,231).

Claim 1 calls for, in pertinent part, a package comprising: a container ... with a spout extending upward and inward from an upper portion of a main body and topped with an upwardly and outwardly flared portion terminating in a rim defining a container opening, a closure. . . and sealing elements including an annular sealing flange extending downwardly and inwardly from [an] end wall of the closure and having an outer sealing surface which engages an inner sealing surface on the flared